

**IN THE SUPREME COURT OF THE  
UNITED STATES**

OCTOBER TERM, 1966

No. 430

**JAMES SAILORS, ET AL., APPELLANTS,**

**v.**

**THE BOARD OF EDUCATION OF THE COUNTY  
OF KENT, ET AL., APPELLEES.**

**On Appeal from the United States District Court for the  
Western District of Michigan, Southern Division**

**REPLY OF APPELLEES TO THE MEMORANDUM OF  
THE SOLICITOR GENERAL AND THE BRIEF OF  
THE ATTORNEY GENERAL OF THE STATE  
OF NEW YORK AS AMICI CURIAE**

The thrust of the Solicitor General's Memorandum for the United States as amicus curiae in *Avery v Midland County, Texas*, October Term, 1966, No. 958 and the Brief of the Attorney General of the State of New York as amicus curiae in the 5 cases [*Avery*, No. 958; *Bianchi*, No. 491; *Sailors*, No. 430; *Moody*, No. 624 and *Dusch*, No. 724] is to suggest to the Court that certiorari should be granted in *Avery* and set for argument along with the other cases [*Sailors*, *Moody*, *Bianchi* and *Dusch*].

Both the Solicitor General and the New York Attorney General perceive jurisdictional problems in Nos. 491 and 624 and that "the Court might not be able to reach the merits in those cases" [Solicitor General's Memorandum at page 5].

The Solicitor General concedes that in our case, No. 430, "a three-judge court was properly convened" [Solicitor General's Memorandum, page 4].

Both the Solicitor General and the New York Attorney General express the feeling that Nos. 430 and 724, in which jurisdiction on appeal "seems clearly proper" [Solicitor General's Memorandum, page 6] involve unique and specialized questions and do not go to the merits of the question as to whether and to what extent "this Court intends the principle stated in *Reynolds* to be applicable to county boards and other forms of local government" [Brief of New York Attorney General, page 2].

With this we do not agree. *Sailors* [No. 430] fairly presents the question whether *Reynolds* shall be extended to any local unit of state government. In the alternative, the question is fairly presented that if *Reynolds* applies, to what extent it will apply.

If the suggestions of the Solicitor General and the New York Attorney General are followed, arguments in our case [*Sailors*; 430] cannot possibly be heard until the October, 1967 term of Court. We believe such a delay is unjustified.

This case has been pending over 4 years and appellee Kentwood Public Schools has a tax base of more than \$6,500,000 and a modern 14-room elementary school building at stake.

We respectfully urge the Court to proceed with oral arguments in *Sailors*, No. 430; *Moody*, No. 624; *Bianchi*, No. 491 and *Dusch*, No. 724, as originally ordered by the Court.

Respectfully submitted,

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